

01/12/01
3c960 U.S. PTO

01-16-01

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PTO/SB/05 (08-00)
Approved for use through 10/31/2002. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. P04809USO PHI 1322
First Inventor BENSON, David L.
Title HYBRID MAIZE PLANT & SEED 33R77
Express Mail Label No. EL745292047US

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

- ☒ Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
- ☐ Applicant claims small entity status.
See 37 CFR 1.27.
- ☒ Specification [Total Pages 25]
(preferred arrangement set forth below)
 - Descriptive title of the invention
 - Cross Reference to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
- ☐ Drawing(s) (35 U.S.C. 113) [Total Sheets 4]
- Oath or Declaration [Total Pages 2]
 - ☒ Newly executed (original or copy)
 - ☐ Copy from a prior application (37 CFR 1.63 (d))
(for continuation/divisional with Box 17 completed)
 - ☐ **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
- ☐ Application Data Sheet. See 37 CFR 1.76

ADDRESS TO: Assistant Commissioner for Patents
Box Patent Application
Washington, DC 20231

- ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
- Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
 - ☐ Computer Readable Form (CRF)
 - Specification Sequence Listing on:
 - ☐ CD-ROM or CD-R (2 copies); or
 - ☐ paper
 - ☐ Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

- ☐ Assignment Papers (cover sheet & document(s))
- ☐ 37 CFR 3.73(b) Statement of Attorney (when there is an assignee)
- ☐ English Translation Document (if applicable)
- ☒ Information Disclosure Statement (IDS)/PTO-1449 ☒ Copies of IDS Citations
- ☐ Preliminary Amendment
- ☒ Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)
- ☐ Certified Copy of Priority Document(s)
(if foreign priority is claimed)
- ☒ Other: **Express Mail Certification**

17. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP)

of prior application No.: _____ / _____

Prior application information:

Examiner _____

Group / Art Unit: _____

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

18. CORRESPONDENCE ADDRESS

☒ Customer Number or Bar Code Label

27142

or ☐ Correspondence address below

Name Heidi S. Nebel
Address Zarley, McKee, Thomte, Voorhees & Sease
801 Grand Avenue - Suite 3200
City Des Moines State IA Zip Code 50309-2721
Country U.S.A. Telephone 515-288-3667 Fax 515-288-1338

Name (Print/Type) Heidi S. Nebel Registration No. (Attorney/Agent) 37,719
Signature [Signature] Date 1/12/01

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FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$) 2,206.00

Complete if Known

Application Number	
Filing Date	
First Named Inventor	BENSON, David L.
Examiner Name	
Group Art Unit	1638
Attorney Docket No.	P04809USO PHI 1322

METHOD OF PAYMENT

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number: 16-1852

Deposit Account Name: Pioneer Hi-Bred Int'l.

☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

☐ Applicant claims small entity status. See 37 CFR 1.27

2. ☐ Payment Enclosed:

☐ Check ☐ Credit card ☐ Money Order ☐ Other

FEE CALCULATION (continued)

				Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Code	Fee (\$)		
105	130	205	65					Surcharge - late filing fee or oath	
127	50	227	25					Surcharge - late provisional filing fee or cover sheet	
139	130	139	130					Non-English specification	
147	2,520	147	2,520					For filing a request for ex parte reexamination	
112	920*	112	920*					Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*					Requesting publication of SIR after Examiner action	
115	110	215	55					Extension for reply within first month	
116	390	216	195					Extension for reply within second month	
117	890	217	445					Extension for reply within third month	
118	1,390	218	695					Extension for reply within fourth month	
128	1,890	228	945					Extension for reply within fifth month	
119	310	219	155					Notice of Appeal	
120	310	220	155					Filing a brief in support of an appeal	
121	270	221	135					Request for oral hearing	
138	1,510	138	1,510					Petition to institute a public use proceeding	
140	110	240	55					Petition to revive - unavoidable	
141	1,240	241	620					Petition to revive - unintentional	
142	1,240	242	620					Utility issue fee (or reissue)	
143	440	243	220					Design issue fee	
144	600	244	300					Plant issue fee	
122	130	122	130					Petitions to the Commissioner	
123	50	123	50					Processing fee under 37 CFR 1.17(q)	
126	180	126	180					Submission of Information Disclosure Stmt	
581	40	581	40					Recording each patent assignment per property (times number of properties)	
146	710	246	355					Filing a submission after final rejection (37 CFR § 1.129(a))	
149	710	249	355					For each additional invention to be examined (37 CFR § 1.129(b))	
179	710	279	355					Request for Continued Examination (RCE)	
169	900	169	900					Request for expedited examination of a design application	
Other fee (specify) _____									
SUBTOTAL (3) (\$)									

FEE CALCULATION

1. BASIC FILING FEE				
Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
101	710	201	355	Utility filing fee
106	320	206	160	Design filing fee
107	490	207	245	Plant filing fee
108	710	208	355	Reissue filing fee
114	150	214	75	Provisional filing fee
SUBTOTAL (1)				(\$)

710

710.00

2. EXTRA CLAIM FEES				Fee Paid
Total Claims	Extra Claims	Fee from below	Fee Paid	
32	-20** = 12	18	216	
19	-3** = 13	80	1280	
Multiple Dependent 270 =				

Large Entity Small Entity				Fee Description
Fee Code (\$)	Fee Code (\$)	Fee Code (\$)	Fee Code (\$)	
103 18	203 9			Claims in excess of 20
102 80	202 40			Independent claims in excess of 3
104 270	204 135			Multiple dependent claim, if not paid
109 80	209 40			** Reissue independent claims over original patent
110 18	210 9			** Reissue claims in excess of 20 and over original patent
SUBTOTAL (2) (\$) 1,496.				

**or number previously paid, if greater; For Reissues, see above

*Reduced by Basic Filing Fee Paid

SUBMITTED BY		Complete (if applicable)	
Name (Print/Type)	Heidi S. Nebel	Registration No. (Attorney/Agent)	37,719
Signature		Telephone	515-288-3667
		Date	1/12/01

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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**REQUEST AND CERTIFICATION
UNDER
35 U.S.C. 122(b)(2)(B)(i)**

First Named Inventor BENSON, David L.

Title HYBRID MAIZE PLANT & SEED 33R77

Atty Docket Number P04809USO PHI 1322

I hereby certify that the invention disclosed in the attached application **has not and will not** be the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

1/12/01
Date


Signature

Heidi S. Nebel

Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

Burden Hour Statement: This collection of information is required by 37 CFR 1.213(a). The information is used by the public to request that an application not be published under 35 U.S.C. 122(b) (and the PTO to process that request). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 6 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231 DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS SEND TO Assistant Commissioner for Patents, Washington, DC 20231